IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SAMUEL BAKER	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 4:17-cv-01294
	)	
CHRISTOPHER BROWN	)	**JURY TRIAL DEMANDED**
	)	
Defendant.	)	

COMPLAINT

Plaintiff, Samuel Baker, by and through his attorneys, Kayira Law, LLC, submits to the Court his Complaint, and for his causes of action against Defendant Christopher Brown, states as follows:

Introduction

1. This is an action for injunctive and other relief under the Copyright Act of 1976, as amended, 17 U.S.C. § 101 *et seq.* (the "Copyright Act") arising out of Defendant's ongoing infringement of Plaintiff's copyright in the instrumental composition and sound recording of the song entitled, "Something Beautiful."

Parties

2. Plaintiff Samuel Baker is an American musician and a citizen of Missouri who resides within the Eastern Division of this District.

3. Upon information and belief, Defendant Christopher Brown is a citizen of Tennessee presently residing at 682 Rocky Field Cove, Cordova, Tennessee 38018.

Jurisdiction and Venue

4. This is an action for copyright infringement arising under the Copyright Act. The Court has subject matter jurisdiction under 17 U.S.C. § 501 and 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Defendant because Defendant has purposefully directed his marketing, promotion and sale of the infringing song toward Missouri residents, has profited from Missouri residents who have purchased and/or streamed the infringing song, has authorized, arranged for and/or performed the infringing song at concerts in Missouri, has engaged in infringing activities that have damaged a Missouri plaintiff, and has otherwise had sufficient contacts with the State of Missouri and this District. Thus, Defendant does continuous and systematic business in this judicial district.

6. Venue is proper in this district under 28 U.S.C. §§ 1391(b), (c) and 1400(a).

FACTUAL ALLEGATIONS

Plaintiff's Song: "Something Beautiful"

7. Plaintiff is the author and creator of an original musical composition embodied in the sound recording entitled, "Something Beautiful."

8. Plaintiff created Something Beautiful in late 2010 and early 2011.

9. At all times relevant hereto, Plaintiff intended to publish and commercially release Something Beautiful, however, had yet to release the song to the general public.

10. On or around March 22, 2017, Plaintiff registered both the musical composition and sound recording of Something Beautiful with the United States Copyright Office bearing the Registration Number SRu 1-249-736. An accurate copy of the Certificate of Registration is attached to this pleading as **Exhibit A**.

11. Plaintiff is and has been at all times the sole owner of the copyright in the song Something Beautiful.

12. Pursuant to Section 106 of the Copyright Act, 17 U.S.C. § 106, as owner of the copyright in Something Beautiful, Plaintiff is the owner of the exclusive rights to reproduce that song, to distribute copies of that song, to prepare derivative works based upon that song, and to publicly perform that song.

Defendant's Infringement of Plaintiff's Copyright

13. On information and belief, Defendant is the lead singer and overall leader of the musical group "One Less Reason."

14. On or around August 19, 2016, Defendant released the infringing song, similarly titled "Something Beautiful" ("Infringing Song"), on Defendant's studio album, entitled *The Memories Uninvited*.

15. On information and belief, the Defendant in this action claims to be the author of the Infringing Song.

16. Defendant never obtained permission from Plaintiff to use Plaintiff's song Something Beautiful in creating, reproducing, recording, distributing, selling, or publicly performing the Infringing Song.

17. Plaintiff never gave the Defendant permission, consent, or a license to use Plaintiff's song Something Beautiful for any purpose, including creation of a derivative work based on Plaintiff's song.

18. Defendant has sold, performed, and otherwise commercially exploited and profited from the Infringing Song in numerous ways, including but not limited to the following:

i. Selling the compact disc release of *The Memories Uninvited* to the public on numerous websites and through retain stores throughout the nation; and

ii. Duplicating and uploading the digital version of the Infringing Song to, among other platforms, iTunes and Amazon for purchase by consumers; and

iii. Duplicating and uploading the digital version of the Infringing Song to, among other platforms, YouTube and Apple Music, which Defendant derives a financial benefit.

19. Defendant's actions, as alleged above, constitute infringement of Plaintiff's copyright in Something Beautiful. Among other things, Defendant's actions violate Plaintiff's exclusive rights in Something Beautiful under Section 106 of the Copyright Act, 17 U.S.C. § 106.

20. The Defendant has already infringed Plaintiff's copyright and caused irreparable harm through his unauthorized copying, distribution and public performance of the Infringing Song. If not enjoined, Defendant will continue to cause Plaintiff irreparable harm.

WHEREFORE, Plaintiff prays that this Court enter judgment in his favor and against Defendant as follows:

a. A permanent injunction enjoining and restraining Defendant, his agents, servants, employees, attorneys, partners, licensees, divisions, affiliates, parent corporation(s), and all others in active concert or participation with any of them from copying, distributing, publicly displaying, or otherwise making any use of Something Beautiful or the Infringing Song;

b. An award of monetary damages sufficient to compensate Plaintiff for the injuries suffered as a result of Defendant's wrongful conduct;

c. An award of Defendant's profits and unjust enrichment realized from his infringement and other wrongful conduct; and

d. An award of such other and further relief as the Court deems just and proper.

JURY DEMAND

Plaintiff respectfully requests a jury trial.

Respectfully submitted,

KAYIRA LAW, LLC

By: *__/s/ Eric F. Kayira__*

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